



# U.S. House of Representatives Committee on the Judiciary

**F. James Sensenbrenner, Jr., Chairman**

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## ***News Advisory***

For immediate release  
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## **Subcommittee Hearing Tuesday on Appropriate Role of Foreign Judgements in the Interpretation of U.S. Law**

**What:** Legislative hearing on “H. Res. 97 and the Appropriate Role of Foreign Judgements in the Interpretation of American Law”  
**Who:** Subcommittee on the Constitution - Rep. Steve Chabot (R-Ohio),  
Chairman  
**When:** 4:00 p.m. Tuesday, July 19, 2005  
**Where:** 2141 Rayburn Building

*Judges in the U.S. are charged to interpret both the intent of Congress and other legislative bodies and determine whether their work fits within the bounds of the U.S. Constitution. The views of foreign bodies are not relevant to either of those charges unless they can aid in determining either the original meaning of the Constitution or the legislative intent of state and federal statutes. The Declaration of Independence announced that one of the chief causes of the American Revolution was that King George had “combined to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws.” Thus, many are concerned by a growing number of U.S. Supreme Court opinions citing decisions by foreign courts and treaties not ratified by the U.S.*

### **EXAMPLES...**

- ✓ Justice Kennedy, in the *Lawrence v. Texas* 2003 decision, cites for support a decision by the European Court of Human Rights allowing homosexual conduct as evidence of a lack of world consensus on the illegality of such conduct.
- ✓ In this year’s *Roper* decision, Justice Kennedy cited the practices of other countries in striking down the death penalty as it applies to minors, concluding that “it is proper that we acknowledge the overwhelming weight of international opinion against the juvenile death penalty.”

### **THIS HEARING WILL...**

- ⇒ Explore the appropriateness and the ramifications of citations to foreign authorities for the interpretation of American law.
- ⇒ Examine H. Res. 97, which expresses the sense of the House that “judicial determinations regarding the meaning of the laws of the United States should not be based in whole or in part on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the Constitution of the United States.”

**WITNESSES:** Professor Viet D. Dinh, Georgetown University Law Center; Mr. M. Edward Whelan III, President, Ethics and Public Policy Center; Professor Nicholas Q. Rosenkranz, Georgetown University Law Center; and Professor Sarah Cleveland, University of Texas School of Law.

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